UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,121	01/24/2000	Branko Kovacevic	0100.0000010	8119

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EXAMINER
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ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 04/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 March 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

   4a) Of the above claim(s) _3-5, 11, 12 and 25-32_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,6-10,13-24 and 33-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 March 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _6-10, 12_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   As per Applicant's instruction in Paper 14 as filed on 3/9/04, claims 3 and 15 have been amended.

Response to Restriction/Election

2.   Applicants' election with traverse of species of Fig. 7, which reads on claims 1, 2, 6-10, 13-24, and 33-35, and provisionally withdrawing the non-elected claims from consideration as in Paper No. 14 have been acknowledged. The traversal is on the ground(s) that the examination of all of the claims does not create undue burden on the Office and the subject matter among the groups is not independent and distinct as required by statue. This is not found persuasive because the undue burden is proved by the eleven distinct (independent) species, which follows:

Species 1-11 corresponding to Figures 5, 7, 15, 20, 22, 26, 27, 32, (35-38), (39-42), and 43, respectively.

The prior art searching and a prosecution clearly would be a burden based on the eleven species. Furthermore, a burden and a distinct (independent) are two separate criterion. The burden is met by eleven species and the distinct (independent) is met by the diverse elements between the drawings, wherein one embodiment is not deemed obvious over any other species identified.

Furthermore, the claim 35 does not appear to read on Fig. 7 because the recited claimed limitation "... saving <u>none</u> the transport packet payload in the register set when the PES is a non-video PES. " is not described in Fig. 7.

Therefore, the claim 35 has not been elected, thereby considered as a non-elected claim.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

4.   Claims 1-2, 6-10, 13-15 and 20-21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Maturi et al (5,559,999).

Regarding claims 1, 9, and 13, Maturi et al discloses a system for

processing transport stream data, the system comprising:

a framer with a modular layout, comprising;

an input node (Fig. 3, 22, input) for receiving the transport stream data,

a data output node (22, output) for providing a framer data based on transport

stream data,

a data enable output node (22, output; 36) to provide a signal to indicate a valid

data on the data output node;

a first parser (Fig. 3, 34) with a modular layout separate from the layout of

the framer, the first parser comprising;

a data input node (34, input) coupled to the data output node of the framer

for receiving the framer data,

a data enable input node (34, input) coupled to data enable output node of the

framer module,

a data output node (34, output) for providing a first parser data when the framer

data is a first data type, which is a representation of the framer data,

a first data enable output node (output to 20) to provide a signal to indicate a

first type of framer data,

a second data enable output node (output to 24) to provide a signal to indicate a

second type of framer data.

Regarding claims 2, 6-8, and 14, Maturi et al discloses a second parser (Fig. 3, 24) that is mutually exclusive of the first parser module, including

a data input node (24, input) coupled to the data output node of the framer for receiving the framer data,

an enable input node (34 to 24) coupled to the second data enable output node (output to 24) of the first parser,

a data output node (output to 26) for providing a second parser data when the signal associated with the second data enable output node indicates the framer data is of a second data type, wherein the second parser data is a representation of the video frame data,

a data enable output node (24 to 20e) to provide a signal to indicate a second type of framer data to be stored, and

a data enable output node (24 to 26) to provide a signal to indicate a valid second parser data on the data output node.

Regarding claim 10, Maturi et al discloses a data output node includes at least 8 nodes (20a-20e, 34, 24, 26, 28).

Regarding claim 15, Maturi et al discloses a memory controller (20) including

a data input node (input from 36 to 20) coupled to the data output node of the framer for receiving the data,

a first enable input node (input from 36 to 20) coupled to the data enable output node of the framer,

a second enable input (input from 34 to 20) coupled to the first data enable output node of the first parser,

a third enable input (input from 24 to 20) coupled to the data enable output node of the second parser, and

a data output (20 to 20a-20e) to provide data to a memory.

Regarding claims 20-21, it is inherent in MPEG-2 standard that the transport stream is organized into fixed length packets (188 total bytes in length per packet normally comprising a 4 byte header and a 184 byte payload).

5.   Claims 22-24 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoogenboom et al (5,517,250).

Regarding claim 22, Hoogenboom et al discloses a system for storing packetized data, the system comprising:

a means (Fig. 1, 20) for receiving a transmitted data packet;

a transport parser means (32) for analyzing a header of the data packet before a payload header is received; and

a second parser means (40) physically separate from the first parser means for analyzing the payload.

Regarding claims 23-24, Hoogenboom et al discloses the first/second parser analyzing the header/payload header before a second byte of payload header/data is received, respectively (col. 9, lines 23-38).

Regarding claim 33, Hoogenboom et al discloses a method for processing transport stream data, the method comprising:

receiving a transport packet having a header and a payload, wherein the payload is associated with a PES which can be associated with video (abs.);

determining if the PES is a PCR, wherein the PCR is a PES that is predefined to carry a PCR currently used by a decoding system (abs.);

parsing a first/second set of data in the header of the TP using a field parser when the PES is a audio/video PCR, respectively, wherein the second set includes more elements than the first set (first set, Fig. 2C, 92; second set, Fig. 2b, 86).

Regarding claim 34, Hoogenboom et al discloses storing at least a portion of PCR in a system memory location when the PCR is a video and/or an audio (abs.).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoogenboom et al (5,517,250).in view of Ort (6,043,828).

Regarding claim 16-19, Hoogenboom et al discloses a method of parsing a data packet, comprising the steps of:

providing a start indicator (Fig. 2a, PES HDR) to a first hardware parser (Fig. 1, 32), the start indicator indicating a first block of the data packet, and a data packet having a predetermined number of data blocks (PES PAYLOAD);

analyzing the first parser at least a portion of the first N data blocks after the start of the data packet to determined a data type of a subsequent data block of the data packet (Fig. 3, 102); and

enabling a second hardware parser (Fig. 1, 40), physically separate from the first parser, to receive the subsequent data block when the data type is a first data type.

Hoogenboom et al does not specifically disclose a third parser to receive the subsequent data block when the data type is a second data type.

However, Ort teaches a method of parsing a data packet, comprising a parser (Fig. 4, 400) to receive the subsequent data block when the data type is a first data type and an another parser (410) to receive the subsequent data block when the data type is a second data type.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing the method of parsing a data packet as taught by Hoogenboom et al to incorporate the two parsers comprising two data types as taught by the Ort as an

efficient way to parse the video (first) data and the audio or adaptation field (second)

data types.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

      A)   Rim et al (5,841,472), MPEG 2, transport decoder.

9.   Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-4700.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawn S An whose telephone number is 703-305-0099.

The examiner can normally be reached on Flex hours (10).

11.   The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

12.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SSA

Primary Patent Examiner

4/7/04